

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JERRY TRONNE BROWN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Case No. 4:01 CV 451 RWS

**MEMORANDUM AND ORDER**

This matter is before me on Petitioner Jerry Brown's pro se motion to correct clerical error pursuant to Federal Rule of Civil Procedure 36 [#69]. In his motion, Brown argues that I should direct the clerk of the court to correct a clerical error because a jury note from his criminal trial is not part of the transcript of Brown's criminal jury trial. Brown has requested this relief multiple times.

In my Orders denying Brown's Section 2255 motion and his previous motions to amend the record, I extensively discuss that while the jury note does not appear in the trial transcript, the note itself is clearly included in the record as Docket No. 139 in Brown's underlying criminal case (4:98CR152RWS). Furthermore, Brown relies on Rule 36 in his motion. Rule 36 sets out the procedure for requests for admission and does not support his argument.

Because the jury note in question is a part of the record and the authority Brown relies on does not support his argument, I will deny Brown's motion.

Accordingly,

**IT IS HEREBY ORDERED that** Petitioner Jerry Tronne Brown's motion to correct clerical error [#69] is **DENIED**.



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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 7th day of September, 2011.